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DEVON E. FRANK
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of]
] Administrative Order 93-40
RE: CRIMINAL HISTORY INFORMATION]
]

Since the court must consider the defendant's past criminal history, at, among other times, release hearings, presentence and sentence hearings, the data concerning past arrests and convictions are critical to the ends of justice.


Such data must be provided to defense counsel pursuant to Rule 15, A.R.Cr.P. and it may be relevant at hearings and trials pursuant to Rule 404, Arizona Rules of Evidence. This information is both discoverable and relevant (both as evidence and sentencing data), and it is clearly appropriate for the Adult Probation Department to include the information in Presentence Information Reports.

Due process of law does not allow the State of Arizona or its judges to use evidence or information which is not also available to the defendant. Failing this, the evidence must be excluded for any purpose, an impractical result.

1 IT IS THEREFORE ORDERED that criminal defense counsel shall
2 have access to, and be provided with their clients' criminal
3 history record, data and information, and,

4 IT IS FURTHER ORDERED that access is limited to defendants'
5 counsel of record and is, further, limited to that period of time
6 when counsel is representing that defendant.

7 Dated: December 1, 1993.

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10 Presiding Judge

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